

1. Plaintiff, Mateo Rafael, LLC, is a New Jersey corporation with its principal place of business located at 589 Cedar Avenue, West Long Branch, County of Monmouth and State of New Jersey.

2. Upon information and belief, Defendant Bryan Grill & Pizzeria, LLC is a New Jersey corporation with its principal place of business at 530 Springdale Avenue, Long Branch, NJ 07764.

3. Upon information and belief, Defendant Bryan J. Diallo, residing at 250 6th Avenue in the City of Long Branch, County of Monmouth in the State of New Jersey is an owner and/or employee of Bryan Grill & Pizzeria, LLC.

4. Upon information and belief, Defendant Victor Bello, residing at 310 6th Avenue, Apt. 113 in the city of Asbury Park, County of Mammoth in the State of New Jersey, is an owner and/or employee of Bryan Grill & Pizzeria, LLC.

5. Upon information and belief, Defendant Hector Bello, residing at 508 5th Avenue, Apt. 20 in the City of Asbury Park, County of Monmouth in the State of New Jersey is an owner and/or employee of Bryan Grill & Pizzeria, LLC.

6. Mateo Rafael-Hernandez who is the managing Member of Mateo Rafael, LLC acquired 100% ownership of Nelly's Pizza & Grill, Inc.

7. Nelly's Pizza & Grill, Inc. started to conduct business on May 1, 2001 at the same location; namely, 589 Cedar Avenue, West Long Branch, County of Monmouth in the State of New Jersey.

8. Nelly's Pizza & Grill caters mainly to college students at Monmouth University and patrons of nearby hotels. Such sandwich as "FAT SIGMAPI" enjoys widespread recognition and popularity. A true and correct copy of Nelly's Pizza & Grill' menu is attached hereto and marked as "Exhibit 1."

9. Defendant Bryan J. Diallo ("Bryan"), was hired by Mateo Rafael-Hernandez on January 4, 2007.

10. Bryan J. Diallo was the night time manager and performed the duties incumbent upon a manager within Nelly's Pizza & Grill. As part of his training, he was taught to make

Nelly's Pizza & Grill flagship sandwiches using Nelly's Pizza & Grill proprietary recipe. He had access to Nelly's Pizza & Grill clients

11. Defendants Hector Bello and Victor Bello who are also members of Bryan Pizzeria & Grill, LLC are former employees of Plaintiff. Both Hector Bello ("Hector") and Victor ("Victor") Bello were delivery drivers for Plaintiff.

12. The aforementioned parties formed and registered Bryan Grill & Pizzeria, LLC on or about December 20, 2011. See "Exhibit 2." Subsequently, on or about May 4, 2012 the aforementioned parties abandoned their employment with Plaintiff.

JURISDICTION AND VENUE

13. This is an action arising under the trademark laws of the United States, 15 U.S.C. §1051 *et seq.* This Court has subject matter jurisdiction over this action under 15 U.S.C. § 1121. A substantial part of the events giving rise to this action have occurred and continue to occur in this judicial district. As such, Defendants should reasonably expect that its activities might have consequences herein.

14. Defendant Bryan Grill & Pizzeria, LLC is subject to this Court's personal jurisdiction because, on information and belief, (1) it is a New Jersey corporation and/or has designated a registered agent in this district; (2) it does substantial business in this district; (3) it produces sandwiches and other food products identified and labeled with the infringing marks, which are available to its customers including customers in this district; and/or (4) it regularly solicits business from, do business with, and derives revenue from goods and/or services provided to customers in this district.

15. Defendants Bryan J. Diallo, Hector Bello and Victor Bello are subject to this Court's personal jurisdiction because, on information and belief, they are owners and/or employees of Bryan Pizzeria & Grill, LLC.

16. Venue is proper in this judicial district under 28 U.S.C. §1391(c) because the Defendant Bryan Pizzeria & Grill, LLC is incorporated, registered to do business in, and/or engages in significant business activities in this district as set forth in paragraphs 2-12 above and Defendants Bryan J. Diallo, Hector Bello and Victor Bello are owners and/or employees of Bryan Pizzeria & Grill, LLC.

THE ASSERTED TRADEMARKS

17. On or about June 14, 2012, Plaintiff applied to the United States Patent and Trademark Office ("USPTO") for registration of the marks. A true and correct copy of some of the applications of the mark is attached hereto and marked as "Exhibit 3-12."

18. The marks have been used in the stream of commerce by Nelly's Grill & Pizzeria, Inc.

19. Mateo Rafael, LLC wholly owns Nelly's Grill & Pizzeria.

20. As such, Mateo Rafael, LLC owns one hundred percent (100%) of the marks.

BACKGROUND

21. Defendants have recently launched the restaurant. Defendants produce sandwiches and other food products identified and labeled with the infringing marks, which are available to its customers including customers in this district.

22. Defendants, at all times mentioned herein, have been, and are now, in the restaurant business.

23. Defendants have not received authorization, nor obtained a license, from Mateo Rafael, LLC for any of its sandwiches.

24. Defendants have been notified in writing of the marks and requested to cease and desist from directly and/or indirectly infringing said marks or otherwise causing said marks to be infringed. A true and correct copy of the cease and desist letter is attached hereto and marked as

“Exhibit 13.”

25. Despite receiving notice of its infringing activities, Defendants have continuously produces sandwiches and other food products identified and labeled with the infringing marks.

26. Defendants are a competitor of Plaintiff.

27. Upon information and belief, Defendants have sold or distributed its infringing product directly to Plaintiff's current customers and potential customers.

FIRST CLAIM

(TRADEMARK INFRINGEMENT BY DEFENDANTS)

28. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs as though the same were fully set forth at length herein

29. Defendants offers for sale sandwiches labeled with the infringing marks. A true and correct copy of Defendants' menu is attached hereto and marked as “Exhibit 14.”

30. Upon information and belief, Defendants make, use, offer to sell, or sell sandwiches labeled with the infringing marks.

31. Plaintiff is the sole owner of the entire right, title, and interest in the marks.

32. Upon information and belief, Defendants have been and is now infringing, actively inducing the infringement of, and/or contributing to the infringement of one or more of the marks identified in paragraph 10 of this Complaint by making, using, offering to sell, or selling sandwiches labeled with the infringing marks.

33. The Defendants' infringement of the marks has been and is willful. Defendants were employed by the Plaintiff. Further, Defendant Bryan J. Diallo attempted to delete Plaintiff's Mateo Rafael, LLC Facebook page. See “Exhibit 15.”

34. The Defendants' infringement has caused and will continue to cause Plaintiff irreparable harm unless enjoined by this Court. Plaintiff has no adequate remedy at law.

SECOND CLAIM
(UNJUST ENRICHMENT)

35. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs as though the same were fully set forth at length herein.

36. This cause of action arises under the common law.

37. By the acts and activities of Defendants complained of herein, Defendants have been unjustly enriched.

38. Defendants' conduct described above has caused and, if not enjoined, will continue to cause irreparable damage to the rights of Plaintiff in its sandwiches, its business, reputation, and good will.

39. On information and belief, Defendants will continue to infringe Plaintiff's valuable right in its sandwiches to the detriment of Plaintiff unless restrained by this Court.

40. Plaintiff has suffered and is continuing to suffer irreparable injury for which there is no adequate remedy at law.

41. Plaintiff's damages from the aforesaid unlawful actions of Defendants, to the extent ascertainable, have not yet been determined.

THIRD CLAIM
(UNFAIR COMPETITION)

42. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs as though the same were fully set forth at length herein.

43. On or about June 29, 2012, Bryan put in a deletion order for Nelly's Grill & Pizzeria Facebook page. A copy of the order is attached hereto and marked as "See Exhibit 15."

44. This cause of action arises under the common law.

45. By the acts and activities of Defendants complained of herein, Defendants have been secretly and unfairly competing against Plaintiff.

46. Defendants' conduct described above has caused and, if not enjoined, will continue to cause irreparable damage to the rights of Plaintiff in its sandwiches, its business, reputation, and good will.

47. On information and belief, Defendants will continue to infringe Plaintiff's valuable right in its sandwiches to the detriment of Plaintiff unless restrained by this Court.

48. Plaintiff has suffered and is continuing to suffer irreparable injury for which there is no adequate remedy at law.

49. Plaintiff's damages from the aforesaid unlawful actions of Defendants, to the extent ascertainable, have not yet been determined.

FOURTH CLAIM
(TORTIOUS INTERFERENCE WITH BUSINESS
RELATIONS AND PROSPECTIVE ECONOMIC ADVANTAGE)

50. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs as though the same were fully set forth at length herein.

51. Defendants are without excuse or justification but for the intent to harm Plaintiff.

52. Defendants' conduct was actuated by actual malice or accompanied by wanton and willful disregard to Plaintiff's rights.

53. As a result of Defendants' conduct, Plaintiff's income is reduced thereby depriving Plaintiff of a reasonable profit from Plaintiff's investment. Therefore, Plaintiff's economic advantage has been tortuously interfered with.

54. As a direct and proximate result of Defendants' conduct as aforesaid, Plaintiff is injured.

55. Plaintiff's damages from the aforesaid unlawful actions of Defendants, to the extent ascertainable, have not yet been determined.

FIFTH CLAIM
(CIVIL CONSPIRACY)

56. Plaintiff repeats, re-alleges and incorporates by reference, the foregoing paragraphs as though the same were fully set forth at length herein.

57. Defendants acted in concert to produce Nelly's flagship sandwiches thereby infringing Plaintiff's marks among other violations.

58. Defendants' conduct was actuated by actual malice or accompanied by wanton and willful disregard to Plaintiff's rights.

59. As a result of Defendants' conduct Plaintiff's income is reduced thereby depriving Plaintiff of a reasonable profit from Plaintiff's investment. Therefore, Plaintiff's economic advantage has been tortuously interfered with.

60. As a direct and proximate result of Defendants' conduct as aforesaid, Plaintiff is injured.

61. Plaintiff's damages from the aforesaid unlawful actions of Defendants, to the extent ascertainable, have not yet been determined.

SIXTH CLAIM
(PRIMA FACIE TORT)

62. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs as though the same were fully set forth at length herein.

63. Defendants are without excuse or justification but for the intent to harm Plaintiff.

64. Defendants' actions have resulted in special damages.

65. Defendants' conduct was actuated by actual malice or accompanied by wanton and willful disregard to Plaintiff's rights.

66. As a direct and proximate result of Defendants' conduct as aforesaid, Plaintiff is injured.

67. Plaintiff's damages from the aforesaid unlawful actions of Defendants, to the extent ascertainable, have not yet been determined.

SEVENTH CLAIM
**(MISAPPROPRIATION OF PROPRIETARY
AND
CONFIDENTIAL INFORMATION)**

68. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs as though the same were fully set forth at length herein.

69. Approximately four (4) months before leaving, Bryan recommended that another food business operation be opened for him to run. Further, he began to ask questions about the details of the business.

70. Defendants are without excuse or justification but for the intent to harm Plaintiff.

71. Defendants' actions have resulted in special damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief against Defendants as follows:

(1) Enter an order, pursuant to 15 U.S.C. §1125, preliminarily and permanently enjoining Defendants, its officers, directors, agents, employees and all persons in active concert or participation with it who receive actual notice of the injunction, by personal service or otherwise, from doing, abiding, causing or abetting infringing, contributing to the infringement and/or actively inducing the infringement of Plaintiff's marks.

(2) That Defendants be required to deliver up to Plaintiff for destruction, at Defendants' expense, all the infringing products as complained of herein.

(3) Adjudge that Defendants' infringement has been and is willful.

(4) Order Defendants to account for and pay to Plaintiff the damages to which Plaintiff is entitled as a consequence of the infringement of the marks, together with interest and costs of suit pursuant to 15 U.S.C. § 1117.

(5) Award Plaintiff enhanced damages up to treble the amount found or assessed pursuant to 15 U.S.C. § 1117(b) in light of Defendants' deliberate and willful infringement of the marks.

(6) Declare this case "exceptional" and award Plaintiff its reasonable attorneys' fees pursuant to 15 U.S.C. § 1117(a).

(7) That Defendants be required to pay to Plaintiff damages to compensate Plaintiff for Defendants' unjust enrichment.

(8) That the Court enters an order placing reasonable but effective restrictions on the future transactions and activities of Defendants so as to prevent fraud on the Court and so as to ensure the capacity of Defendants to pay, and the prompt payment of, any judgment entered against Defendants in this action.

(9) That Plaintiff be awarded compensatory damages.

(10) That Plaintiff be awarded punitive damages.

(11) That Plaintiff be awarded its attorney's fees and the costs of this action.

(12) Grant Plaintiff such other relief as is just and proper.

72. Defendants' conduct was actuated by actual malice or accompanied by wanton and willful disregard to Plaintiff's rights.

73. As a direct and proximate result of Defendants' conduct as aforesaid, Plaintiff is injured.

74. Plaintiff's damages from the aforesaid unlawful actions of Defendants, to the extent ascertainable, have not yet been determined.

EIGHTH CLAIM
(CONVERSION)

75. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs as though the same were fully set forth at length herein.

76. Defendants are without excuse or justification but for the intent to harm Plaintiff.

77. Defendants' actions have resulted in special damages.

78. Defendants' conduct was actuated by actual malice or accompanied by wanton and willful disregard to Plaintiff's rights.

79. As a direct and proximate result of Defendants' conduct as aforesaid, Plaintiff is injured.

80. Plaintiff's damages from the aforesaid unlawful actions of Defendants, to the extent ascertainable, have not yet been determined.

NINTH CLAIM
(BREACH OF THE DUTY OF LOYALTY)

81. Plaintiff repeats, re-alleges and incorporates by reference the foregoing paragraphs as though the same were fully set forth at length herein.

82. Defendants are without excuse or justification but for the intent to harm Plaintiff.

83. Defendants' actions have resulted in special damages.

84. Defendants' conduct was actuated by actual malice or accompanied by wanton and willful disregard to Plaintiff's rights.

86. As a direct and proximate result of Defendants' conduct as aforesaid, Plaintiff is injured.

87. Plaintiff's damages from the aforesaid unlawful actions of Defendants, to the extent ascertainable, have not yet been determined.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all triable issues of fact.

Dated: November 23, 2012

Respectfully submitted by:

The LAW OFFICES OF JOY ANDERSON, LLC
Attorneys for Plaintiff, Mateo Rafael, LLC.


A handwritten signature in black ink, appearing to read 'Joy Anderson', written over a horizontal line.

Joy Anderson
Emmanuel Coffy, Of Counsel
Attorneys for Plaintiff

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that with respect to the matter in controversy herein, neither plaintiff nor plaintiff's attorney is aware of any other action pending in any court, or of any pending arbitration or administrative proceeding, to which this matter is subject.

The LAW OFFICES OF JOY ANDERSON, LLC
Attorneys for Plaintiff, Mateo Rafael, LLC.

A handwritten signature in black ink, appearing to read 'Joy Anderson', written over a horizontal line.

Joy Anderson
Emmanuel Coffy, Of Counsel
Attorneys for Plaintiff

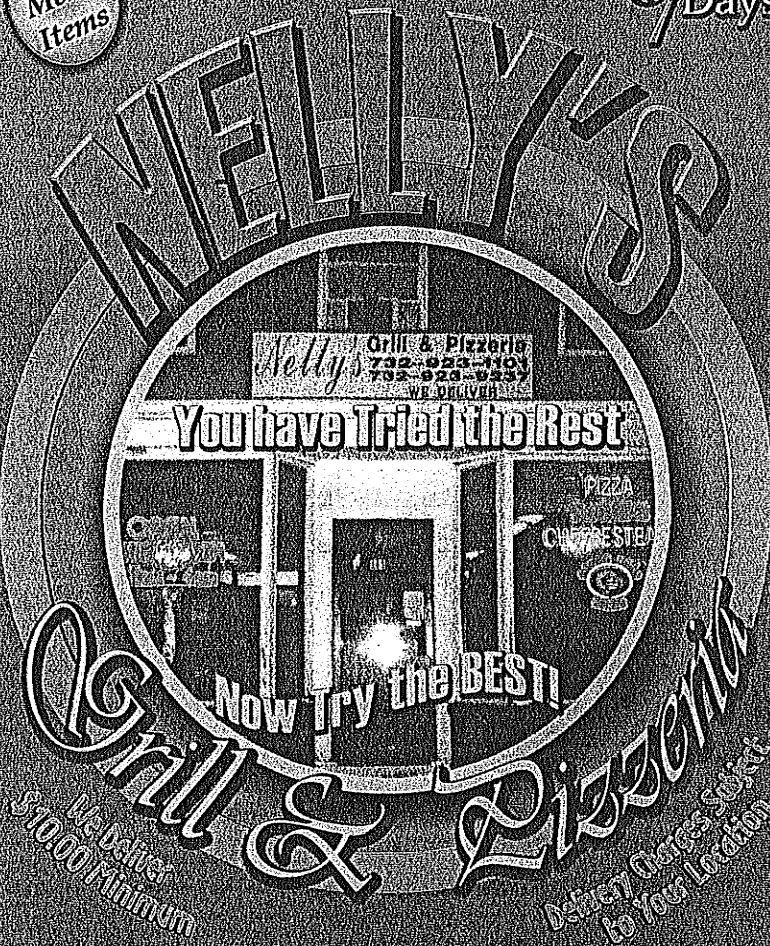
DATED: November 23, 2012

EXHIBIT 1

OPEN FROM: 11 am - 4 am
AND WE DELIVER FROM: 11 am - 4 am

New
Menu
Items

OPEN
7 Days



Ph: 732.923.1101

732.923.9237

Fax: 732.923.1102

Catering available 24 Hours

www.nellyspizza.com
online orders available



NO CASH REFUNDS

CREDITS CAN NOT BE ISSUED ON FOOD ORDERS THAT WERE DELIVERED OR ALREADY RECEIVED

- FAT CAT 6.75
2 Cheeseburgers, Fries, Mayo, Ketchup, Lettuce, Tomato, Onions
- FAT NIGHTS - Cheesesteak, Chicken Fingers, 6.75
Mozzarella Sticks, Fries, Marinara Sauce, Mozzarella Cheese
- FAT KOKO - Cheesesteak, Fries, 6.50
Marinara Sauce, Mozzarella Cheese, Mozzarella Sticks
- FAT SAM - Cheesesteak, Grilled Chicken, 6.75
Fries, Lettuce, Tomato, Onions, Mayo & Ketchup
- FAT MOON - Chicken Fingers, Bacon, Egg, Cheese, 6.75
Fries, Mayo, Ketchup, Lettuce, Tomato, Onions
- FAT ELVIS - Gyro Meat, Fries, White Sauce, Hot Sauce, 6.75
Lettuce, Tomato, Onions, Mozzarella Sticks on a Pita
- FAT TONNES - Grilled Chicken, Jalapeno Poppers, 7.50
Fries, BBQ Sauce, Lettuce, Tomato, Onions & Cheese
- FAT MOM - Cheesesteak, Bacon, Egg, 6.75
Fries, Mayo, Ketchup, Lettuce, Tomato, Onions
- FAT MOUTH - Chicken Fingers, Jalapeno Poppers, 7.50
Mozzarella Sticks, French Fries, Mayo, Ketchup, Lettuce, Tomato, Onions
- FAT JOEL - Chicken Fingers, 6.75
Mozzarella Sticks, Fries, Marinara Sauce, Mozzarella Cheese
- FAT SAL - Chicken Fingers, 6.75
Mozzarella Sticks, Fries, Marinara Sauce, Lettuce, Tomato
- FAT BLUNT - Chicken Fingers, Mozzarella Sticks, 6.75
Fries, Bacon, Honey Mustard, Lettuce, Tomato, Ketchup
- FAT WILLY - Cheeseburger, Cheesesteak, 7.75
Chicken Fingers, Fries, Lettuce, Tomato, Mayo, Ketchup
- FAT BIG BOY - Cheeseburger, Cheesesteak, Chicken Fingers, 8.00
Mozzarella Sticks, Fries, Mayo, Ketchup, Lettuce, Tomato
- FAT GRIMWAY - Cheeseburger, Chicken Fingers, 7.75
Mozzarella Sticks, Hot Sauce, Fries, Lettuce, Tomato, Onions
- FAT CHADWICK - Cheeseburger, Mozzarella Sticks, 7.75
Bacon, Curry Fries, Lettuce, Tomato, Ranch Dressing, Ketchup, Mayo
- FAT VAN COURT - Cheesesteak, Chicken Fingers, 7.75
Fries, Lettuce, Tomato, Onions, Honey Mustard on a Pita or Sub/Roll
- FAT ROMANO - Cheesesteak, Pork Roll, 6.75
Egg, Cheese, Fries, Mayo, Ketchup
- FAT AXP - Cheesesteak, Chicken Fingers, Mozzarella Sticks, 6.75
Marinara Sauce, Curry Fries, Mozzarella Cheese
- FAT DAD - Cheesesteak, Gyro Meat, Fries, Hot Sauce, 6.75
White Sauce, Lettuce, Tomato, Onions
- VEGGIE BURGER FAT CAT - Veggie Burger, Cheese, 7.50
Fries, Lettuce, Tomato, Mayo, Ketchup, Onions
- FAT MUGS - Chicken Fingers, 6.75
Mozzarella Cheese, Fries, Marinara Sauce, Parmesan Cheese
- FAT BODY BUILDER - Grilled Chicken, Egg Whites, Yellow 7.75
American Cheese, Lettuce, Tomato, Ketchup, Salt & Pepper
- FAT GRAZ - Grilled Chicken, American Cheese, Bacon, Hot Sauce on Pita 7.50
- HOKEY SPECIAL - Grilled Chicken, Mozzarella Sticks, Fries, ... 7.50
Honey Mustard, Lettuce, Tomato, Onions on a Pita or Sub Roll
- CHICKEN FAT CAT - Grilled Chicken, Cheese, Fries, 7.50
Lettuce, Tomato, Onions, Mayo, Ketchup
- FAT TKE - Cheesesteak Chicken Fingers, Mozzarella Sticks, 7.50
Fries, Onion Rings, Marinara Sauce, Mozzarella Cheese
- FAT STEVEO - Cheese Burger, Chicken Fingers, 7.75
Mozzarella Sticks, Curry Fries, Lettuce, Mayo, Ketchup
- FAT MELLACI - Meatballs, Mozzarella Sticks, Fries, Bacon, 7.50
Marinara Sauce & Mozzarella Cheese on a Sub Roll
- VEGGIE FAT MOUTH - Mozzarella Sticks, Jalapeno Poppers, 7.50
Curly Fries, Mozzarella Cheese, Lettuce, Tomato, Mayo & Ketchup
- NELLY'S FAT CAT - Chicken Fingers, Mozzarella Sticks, 7.50
Fries, Bacon, Hot Wing Sauce, Lettuce, Tomato & Blue Cheese
- FAT PIGGY - Chicken Fingers, Jalapeno Poppers, 7.50
American Cheese, Ranch Dressing, Fries, Mild Wing Sauce, Lettuce, Tomato
- FAT SIGMAPI - Chicken Fingers, Mozzarella Sticks, 7.50
Curly Fries, Honey Mustard, Lettuce, Tomato, American Cheese, Ketchup
- VEGETARIAN FAT CAT - Veggie Burger, Mozzarella Sticks, ... 7.50
Onions Rings, Fries, Lettuce, Tomato, American Cheese
- TURKEY BURGERS FAT CAT - Turkey Burger, Lettuce, 7.50
Tomato, Onion, Fries, Mayo, Ketchup
- FAT LEO - Chicken Fingers, French Fries, Onions Rings, 7.50
Mozzarella Sticks, Lettuce, Tomato, Mayo & Ketchup
- FAT JAY - Grilled Chicken, Cheesesteak, Onion Rings, 7.75
French Fries, Chicken Fingers, Lettuce, Honey Mustard & BBQ Sauce

EXHIBIT 2

NEW JERSEY DEPARTMENT OF THE TREASURY
DIVISION OF REVENUE

CERTIFICATE OF FORMATION

BRYAN GRILL & PIZZERIA LIMITED LIABILITY COMPANY
0400458963

The above-named DOMESTIC LIMITED LIABILITY COMPANY was duly filed in accordance with New Jersey State Law on 12/20/2011 and was assigned identification number 0400458963. Following are the articles that constitute its original certificate.

1. **Name:**

BRYAN GRILL & PIZZERIA LIMITED LIABILITY COMPANY

2. **Registered Agent:**

CESAR GOMEZ

3. **Registered Office:**

5 THIRD AVENUE
LONG BRANCH, NJ 07740

4. **Business Purpose:**

Restaurant

5. **Members/Managers:**

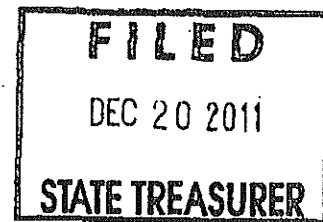
BRYAN J DIALLO
250 6TH AVENUE
LONG BRANCH, NJ 07740
HECTOR BELLO
508 5TH AVENUE APT 20
ASBURY PARK, NJ 07712
VICTOR BELLO
310 6TH AVENUE APT 113
ASBURY PARK, NJ 07712

6. **Main Business Address:**

530 STRINGVILLE AVENUE
LONG BRANCH, NJ 07740

Signatures:

BRYAN J DIALLO
AUTHORIZED REPRESENTATIVE
HECTOR BELLO
AUTHORIZED REPRESENTATIVE
VICTOR BELLO
AUTHORIZED REPRESENTATIVE



LLC

Continued on next page ...

EXHIBIT 3

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85651820 - FAT SIGMAPI - TM/MR-003
Sent: 10/1/2012 3:42:41 PM
Sent As: ECOM105@USPTO.GOV
Attachments: [Attachment - 1](#)
[Attachment - 2](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85651820

MARK: FAT SIGMAPI

85651820

CORRESPONDENT ADDRESS:

JOY ANDERSON, ESQ.
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

CLICK HERE TO RESPOND
<http://www.uspto.gov/trademarks/te>

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM/MR-003

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

EXHIBIT 4

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85660287 - FAT MOON -
LM/MR-024
Sent: 10/1/2012 1:04:36 PM
Sent As: ECOM108@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85660287

MARK: FAT MOON

CORRESPONDENT ADDRESS:

JOY ANDERSON, ESQ.
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO. :
LM/MR-024

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

85660287

CLICK HERE TO RESPOND
<http://www.uspto.gov/trademarks/te>

EXHIBIT 5

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85652739 - FAT CAT - TM-MR-007
Sent: 10/1/2012 3:14:17 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85652739

MARK: FAT CAT

CORRESPONDENT ADDRESS:

JOY ANDERSON, ESQ.
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
WEST LONG BRANCH, NJ 07764

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM-MR-007

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

85652739

CLICK HERE TO RESPOND
<http://www.uspto.gov/trademarks/te>

EXHIBIT 6

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85651765 - FAT BLUNT -
TM/MR-002
Sent: 10/1/2012 4:28:04 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85651765

MARK: FAT BLUNT

CORRESPONDENT ADDRESS:
JOY ANDERSON
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM/MR-002

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

85651765

CLICK HERE TO RESPOND
<http://www.uspto.gov/trademarks/te>

EXHIBIT 7

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85653521 - FAT BODY
BUILDER - TM/MR-011
Sent: 10/1/2012 2:50:59 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85653521

MARK: FAT BODY BUILDER

85653521

CORRESPONDENT ADDRESS:
JOY ANDERSON, ESQ.
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

CLICK HERE TO RESPOND
<http://www.uspto.gov/trademarks/te>

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM/MR-011

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

EXHIBIT 8

To: Mateo Rafael, LLC (JoyAndersonesq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85660473 - FAT SAM - TM/MR-025
Sent: 9/28/2012 6:40:24 PM
Sent As: ECOM108@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85660473

MARK: FAT SAM

CORRESPONDENT ADDRESS:

JOY ANDERSON, ESQ
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM/MR-025

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonesq@aol.com

85660473

CLICK HERE TO RESPOND
<http://www.uspto.gov/trademarks/te>

EXHIBIT 9

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85652568 - FAT TKE - TM/Mr-006
Sent: 10/1/2012 3:18:34 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85652568

MARK: FAT TKE

85652568

CORRESPONDENT ADDRESS:
JOY ANDERSON, ESQ.
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

CLICK HERE TO RESPOND
<http://www.uspto.gov/trademarks/te>

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM/Mr-006

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

EXHIBIT 10

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85652534 - FAX AXP - TM/MR-004
Sent: 10/1/2012 3:20:34 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85652534

MARK: FAX AXP

85652534

CORRESPONDENT ADDRESS:
JOY ANDERSON, ESQ.
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

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<http://www.uspto.gov/trademarks/te>

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM/MR-004

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

EXHIBIT 11

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85652557 - FAT NIGHTS -
TM/MR-005
Sent: 10/1/2012 4:23:17 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85652557

MARK: FAT NIGHTS

85652557

CORRESPONDENT ADDRESS:

JOY ANDERSON, ESQ.
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

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<http://www.uspto.gov/trademarks/te>

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM/MR-005

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

EXHIBIT 12

To: Mateo Rafael, LLC (JoyAndersonEsq@aol.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85653371 - CHICKEN FAT CAT
- TM/MR-009
Sent: 10/1/2012 3:16:30 PM
Sent As: ECOM105@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85653371

MARK: CHICKEN FAT CAT

CORRESPONDENT ADDRESS:
JOY ANDERSON, ESQ
LAW OFFICE OF JOY ANDERSON, LLC
1 MAIN ST STE 202
EATONTOWN, NJ 07724-3906

85653371

CLICK HERE TO RESPOND
<http://www.uspto.gov/trademarks/te>

APPLICANT: Mateo Rafael, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :
TM/MR-009

CORRESPONDENT E-MAIL ADDRESS:
JoyAndersonEsq@aol.com

EXHIBIT 13
(2Pages)

THE LAW OFFICE OF JOY ANDERSON, LLC
EATONTOWN EXECUTIVE CENTER, ONE MAIN STREET
SUITE 202, EATONTOWN, NJ 07724
TELEPHONE: 732-935-0666, FAX: 732-935-0670
JOYANDERSONESQ@AOL.COM

July 12, 2012

Bryan's Grill & Pizza
Attention: OWNER
530 Springdale Ave.
Long Branch, NJ 07740

RE: USE OF NELLY'S GRILL AND PIZZERIA TRADEMARKS

Dear Sir/Madam:

We are the intellectual property and litigation counsel to Mateo Rafael, LLC, DBA Nelly's Grill & Pizzeria, located at 589 Cedar Avenue, West Long Branch, New Jersey. Mateo Rafael, LLC, is the owner of a plurality of U.S. Registrations for a number of trademarks, including "FAT BLUNT," "FAT DAD," "FAT BIG BOY," etc. We are writing to you based on our client's recent awareness of your use of the marks "SUPER FAT BLUNT," "SUPER FAT DAD," "SUPER FAT BIG BOY," etc. in connection with food services.

As a former employee of Mateo Rafael, LLC, DBA Nelly's Grill & Pizzeria, you are aware of its long use of these marks in connection with providing food services. These marks have been in continuous use since 2001 and are well-recognized throughout New Jersey for its services. Evidence of the registration of each trademark is available at the United States Patent and Trademark website.

For approximately eleven years Mateo Rafael, LLC, DBA Nelly's Grill & Pizzeria has expended an incalculable amount of time, money, and resources in promoting its

trademarks. As such, Mateo Rafael, LLC is concerned with your use of the marks preceded by "SUPER" in connection with food services. Given the food service at issue, such use of our client's marks is likely to cause consumer confusion with respect to the source or sponsorship of your services.

Bryan's Grill & Pizza marks are nearly identical to our client's marks. Furthermore, Bryan's Grill & Pizza marks are used in connection with food services just like our client's marks and is located in very close proximity to Nelly's Grill & Pizzeria. Consequently, "SUPER FAT BLUNT" "SUPER FAT DAD," "SUPER FAT BIG BOY," etc. confuse the public to the detriment of our client's rights in contravention to Federal, State Trademark and Unfair Competition laws.

Accordingly, we must request that you discontinue use of the marks "SUPER FAT DAD," "SUPER FAT BIG BOY," etc. As a business owner we trust you will appreciate that trademark law requires Rafael Mateo, LLC to protect its intellectual property. Given the recent discovery of such use, it is our hope that we can quickly and amicably resolve this matter.

This is a matter of significant importance to our client and we must request that you provide written confirmation of your discontinuation of use of the marks by no later than July 26, 2012.

Sincerely,

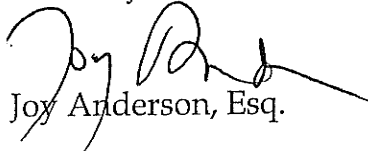
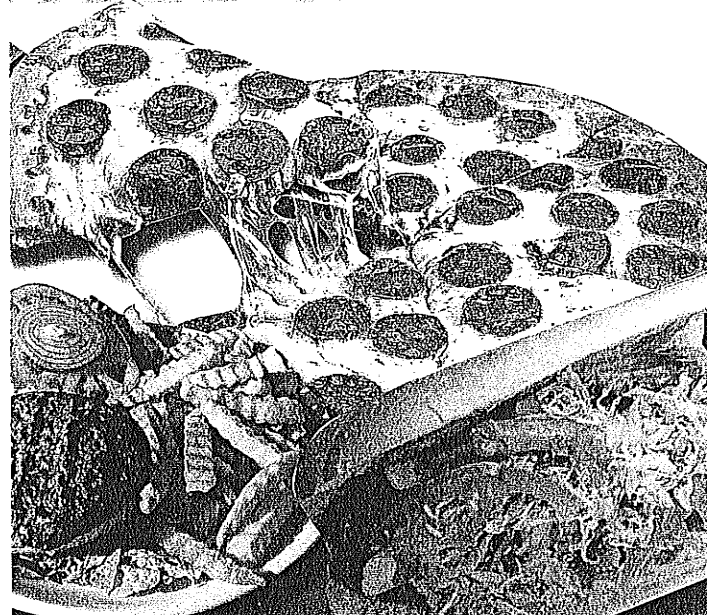

Joy Anderson, Esq.

EXHIBIT 14



BRYAN'S GRILL & PIZZA



WE DELIVER

732-728-2222

FAX: 732-728-2223

**Open 7 Days a Week
11 AM - 4 AM**

**530 Springdale Ave.
Long Branch, NJ**

www.BryansGrillandPizzeria.com

SUPER FAT SANDWICHES

Super Fat Blunt	Chicken fingers, mozzarella sticks, fries, bacon, honey mustard, lettuce, tomato and ketchup	5.75
Super Fat Big Boy	Cheeseburger, cheesesteak, chicken fingers, mozzarella sticks, fries, mayo, ketchup, lettuce, tomato	6.99
Super Fat Darrelle	Chicken fingers, mozzarella sticks, mozzarella cheese, marinara sauce and fries	5.99
Super Fat Sigmapie	Chicken fingers, mozzarella sticks, curly fries, honey mustard, lettuce, tomato, American cheese and ketchup	6.99
Super Fat AXP	Cheesesteak, chicken fingers, mozzarella sticks, marinara sauce, curly fries and mozzarella cheese	5.75
Super Fat Night	Cheesesteak, chicken fingers, mozzarella sticks, marinara sauce, fries and mozzarella cheese	5.99
Super Fat TKE	Cheesesteak, chicken fingers, mozzarella sticks, fries, onion rings, marinara sauce and mozzarella cheese	6.50
Super Fat Dutch	Chicken fingers, mozzarella sticks, onion rings, bacon, curly fries, honey mustard, ketchup, lettuce and tomato	6.99
Super Fat Blotch	Cheesesteak, chicken fingers, mozzarella sticks, fries, mayo, ketchup, lettuce and tomato	6.75
Super Fat Cat	2 cheeseburgers, fries, lettuce, tomato, onions, ketchup and mayo	5.75
Super Fat Martha Focker	Cheeseburger, cheesesteak, grilled chicken, onion rings, fries, lettuce, tomato, mayo, ketchup	6.99
Super Fat Mojo	Chicken fingers, gyro meat, mozzarella sticks, fries, white sauce, hot sauce, jalapeno poppers, lettuce, tomato and mayo	6.99
Super Chicken Fat Cat	Grilled chicken, fries, lettuce, tomato, onions, ketchup and mayo	6.99
Super Fat Bastard	Gyro meat, cheddar poppers, chicken fingers, mozzarella sticks, white sauce, hot sauce, lettuce, tomato and onions	6.99
Super Fat Bryan	Buffalo chicken, fried, bacon, celery, lettuce, tomato, blue cheese or ranch	6.50
Super Fat Jimbo	Cheeseburger, pickles, bacon, fries, ketchup, tomato, blue cheese or ranch	5.99
Super Fat Body Builder	Grilled chicken, egg whites, American yellow cheese, lettuce, tomato, onions	6.99
Super Fat King	Cheesesteak, chicken fingers, mozzarella sticks, bacon, fries, honey mustard, ketchup, lettuce and tomato	6.99
Super Fat Romano	Cheesesteak, pork roll, eggs, American yellow cheese, fries, mayo and ketchup	5.99
Super Veggie Burger Fat Cat	2 veggie cheeseburgers, fries, lettuce, tomato, onions, ketchup, mayo	6.99
Super Fat Dad	Cheesesteak, gyro meat, fries, hot sauce, white sauce, lettuce, tomato and mayo	5.99
Super Fat Drunk Guy	Cheeseburger, chicken fingers, cheesesteak, gyro meat, meatballs, mozzarella cheese, grilled chicken, onions rings, bacon, fries, jalapeno poppers, lettuce, tomato onions and mayo	9.49
Super Old School Big Boy	Cheesesteak, cheeseburger, chicken fingers, mozzarella sticks, eggs, fries, mayo and ketchup	6.75
Super Fat Leo	Chicken fingers, french fries, onion rings, mozzarella sticks, lettuce, tomato, mayo and ketchup	6.75
Super Fat Stuyvesant	Cheesesteak, bacon, pork roll, mayo, ketchup, parmesan cheese, curly fries, mozzarella sticks with melted mozzarella cheese	6.75
Super LB Fat Cat	Chicken fingers, mozzarella sticks, cheddar poppers, fries, marinara sauce, mozzarella cheese	6.75
Super LB PD	Cheesesteak, pork roll, eggs, fries, mayo, ketchup	5.99
Super LB FD	Cheesesteak, cheddar poppers, pork roll, eggs, fries, chicken fingers, mayo, ketchup, lettuce and tomato	6.75
Super Fat Stevo	Cheese burger, chicken fingers, mozzarella sticks, curly fries, lettuce, mayo and ketchup	6.75
Super Fat Koko	Cheesesteak, fries, marinara sauce, mozzarella cheese, mozzarella sticks	6.75
Super Fat Moon	Chicken fingers, bacon, eggs, cheese, fries, mayo, ketchup, lettuce, tomato, onions	5.75
Super Fat Sam	Cheesesteak, grilled chicken, fries, lettuce, tomato, onions, mayo, ketchup	5.75
Super Fat Sal	Chicken fingers, mozzarella sticks, fries, marinara sauce, lettuce, tomato	6.75
Super Fat Chadwick	Cheese burger, mozzarella sticks, bacon, curly fries, lettuce, tomato, ranch dressing, ketchup, mayo	6.75

EXHIBIT 15

Work Pending

Call



[Attachments \(0\)](#)

Work Pending Detail

[Edit](#) [Delete](#) [Create Follow Up Work Pending](#) [Create Follow Up Event](#)

▼ Task Information

Assigned To [Lauren Debrowski](#)

Subject Call

Due Date 6/29/2012

Number of Calls not in System

Comments

Called Mateo because a disgruntled ex employee put in a deletion order for the Facebook page. I undid the deletion and t

▼ Additional Information

Status Completed

Priority Normal

▼ System Information

Created By [Lauren Debrowski](#) 6/29/2012 10:48 AM

Reminder

Reminder

Related To

Name

Phone

Email

Last Modified By